

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 16, 2013



Right-of-way Abandonment case no. RA12-07: Lot 1-5, Block 73 of Bryan Original Townsite

LOCATION: a request to abandon a 10' x 115' portion of North Polk Street right-of-way extending north from its intersection with East 24th Street and adjacent to Lot 1 in Block 73 of Bryan Original Townsite, and a 15' x 115' portion of North Pierce Street right-of-way extending north from its intersection with East 24th Street adjacent to Lot 5 in Block 73 of Bryan Original Townsite

APPLICANT(S): Matthew and Julie Neideffer

STAFF CONTACT: Randy Haynes, Staff Planner



BACKGROUND:

Mr. and Mrs. Neideffer own Lots 1 thru 5 in Block 73 of Bryan Original Townsite on the north side of East 24th Street between North Polk and North Pierce Streets, including a single-family home currently addressed as 700 E. 24th Street. They are requesting the City to abandon a 10' x 115' portion of North Polk Street right-of-way adjacent to Lot 1 in Block 73 of Bryan Original Townsite, and a 15' x 115' portion of North Pierce Street right-of-way adjacent to Lot 5 in Block 73 of Bryan Original Townsite. The Neideffers have requested these abandonments to be able to integrate these two strips of land 1,150 square feet and 1,750 square feet in area, respectively, with their ownership of adjoining land.

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights-of-way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way. At a minimum, right-of-way abandonments should not interfere with the smooth circulation of vehicular and pedestrian traffic.

ANALYSIS:

The subject rights-of-way requested to be abandoned have never been improved for vehicle access. Both North Polk and North Pierce Street are each 80 feet in width. City of Bryan design guidelines require only 50-foot wide rights-of-way for local streets. The adjacent portion of North Polk Street currently has approximately 18-feet of pavement, which is less than the 27 feet of pavement required for new local streets. The adjacent portion of North Pierce Street currently has approximately 22 feet of pavement.

Even if the requested abandonment of these subject rights-of-way were approved by the City Council, there would still be sufficient right-of-way remaining for possible widening of both streets to modern local street standards (70 feet and 65 feet of right of way, respectively) in the future. Abandoning the subject rights-of-way, therefore, should not substantially interfere with the smooth circulation of vehicular and pedestrian traffic in this vicinity.

There are currently no public utility services located within these street segments. The attached survey shows an ATMOS gas line in the North Pierce Street right-of-way requested to be abandoned. If this right-of-way is abandoned, then a suitable easement need to be reserved to ensure access for repairing and replacing utilities and prevent the construction of buildings to interfere with access to these utilities.

RECOMMENDATION:

The Site Development Review Committee and staff recommend **approving** the request to abandon these public street rights-of-way, as requested, **subject to** the reservation of a public utility easement, as follows:

- **a public utility easement for the entire width and length of the right-of-way for North Pierce Street proposed to be abandoned, to accommodate existing ATMOS gas line facilities.**

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The rights-of-way requested to be abandoned have never been improved with a driving surface, are not encumbered by any public or private utilities and have been functionally integrated with the adjacent property. Abandoning the subject rights-of-way, as recommended, will allow this land to be formally integrated with adjacent land. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.